

REMARKS/ARGUMENTS

The Office Action has been carefully considered. Before entry of this paper, the status of the application is as follows:

- Claims 19-22, 24, 27-30, and 32-42 are pending in the application.
- The drawings are objected to.
- Claims 19-22, 24, 27-30, 32-36, 41, and 42 have been rejected under 35 U.S.C. § 112, second paragraph.
- Claims 37 and 38-40 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rice *et al.* (U.S. Pat. No. 6,435,489; hereinafter “Rice”).
- Claims 19, 20-22, 24, 27-30, 32, 33, 41, and 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of Bronzin (U.S. Pat. No. 3,504,508; hereinafter “Bronzin”).
- Claims 34-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of Bronzin and further in view of Everitt (U.S. Pat. No. 2,903,208; hereinafter “Everitt”).

In this paper, claims 19, 28-30, and 32-34 have been amended for clarification. Particularly, support for the amendment to claim 19 can be found in the claim as originally presented and in the specification at, e.g., paragraph [0043] and Figure 2 (of the published application). Support for the amendments to claims 28 and 29 can be found throughout the specification at, for example, paragraphs [0008], [0009] and [0033]. Support for the amendments to claims 30, 32 and 33 can be found at, e.g., paragraphs [0020], [0022] and [0029] of the specification.

Claims 37-43 have been canceled, without prejudice.

No new matter has been introduced by the above amendments.

In view of the amendments above and the following remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 19-22, 24, 27-30, and 32-36.

1. The Objections to The Drawings

The drawings are objected to under 37 C.F.R. 1.83(a) with respect to claim 34. In particular, the Examiner alleges that the drawings fail to show the limitations of “the mounting

location has predetermined fastener positions” and “the vibration mounting being sized to fit the predetermined fastener positions” as recited in claim 34. Applicant respectfully disagrees.

Nonetheless, without conceding to the Examiner’s allegation and solely for clarification, claim 34 has been amended to recite the feature of “the vibration mounting being sized to fit onto the predetermined fastener positions.” Applicant submits that the limitations objected to are now clearly depicted in the specification, for example, Figure 1 where it is identified by reference designator 12 as a mounting bolt hole. The features are apparent in view of claim 34 as amended and the discussions in paragraphs [0029] and [0041] that describes how the mounting bolt holes 12 are provided to mount the plate using existing standard bolts (i.e., fastener) positions. Applicant respectfully submits that the drawings now sufficiently show the features of claim 34 in light of the amendment made herein and the discussions in paragraphs [0029] and [0041].

Therefore, reconsideration and withdrawal of the objections to the drawings is respectfully requested.

2. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 19-22, 24, 27-30, 32-36, 41, and 42 are rejected under 35 U.S.C. 112, Second Paragraph, as being indefinite. Particularly, the Examiner alleges that the recitations of “a buffer member extending from the support member” and “a resilient material” render claim 19 indefinite. Although Applicant disagrees, claim 19 has been amended in this paper for clarification. Applicant submits that the rejection of claim 19 is now overcome.

Further, claim 34 has been amended for clarification, which now recites the feature of “the vibration mounting being sized to fit onto the predetermined fastener positions.” Also, claims 41 and 42 have been canceled. Accordingly, Applicant submits that these amendments are sufficient to overcome the Examiner’s rejection of claim 34 and the claims dependent therefrom under 35 U.S.C. § 112, second paragraph.

Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, of claims 19-22, 24, 27-30, and 32-36 is respectfully requested.

3. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 37 and 38-40 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rice. Applicant has canceled claims 37 and 38-40, without prejudice.

4. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 19, 20-22, 24, 27-30, 32, 33, 41, and 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of Bronzin. Applicant has canceled claims 41 and 42, without prejudice, and respectfully traverses this rejection with respect to the claims as amended herein.

The present invention is directed to a vibration mounting, which includes a base member and a support member, in which the support member is spaced apart from the base member in a load-bearing direction by a vibration isolating element of a resilient material, and a buffer member as an arm of the support member is spaced by a gap from a contact plate affixed to the central portion of the vibration isolating element (*see* claim 19 of this application for all the features). When vibration displacements exceed a predetermined amplitude, the gap between the contact plate and the buffer member closes; thus, the buffer member contacts the contact plate.

In contrast, Rice discloses a body mount including an upper member (22) and a lower member (24) (*see* Figure 2 of Rice). The upper member (22) includes a helmet (26) which fits over and through an upper cushion assembly (36), with the helmet (26) comprising four ears (28) and the upper cushion (36) being formed around the circular metal collar (38). It is believed that the Examiner has equated the ear (28) in Rice to the buffer member, and the circular metal collar (38) to the contact plate of the present invention (*see* page 8 of the Action). The Examiner then asserts that there is contact between the buffer member (i.e., the ear 28) and the contact plate (i.e., the feature 38) in Rice when vibration displacements exceed a predetermined amplitude in this invention, and no contact when the vibration displacements are less than the predetermined amplitude. Applicant respectfully disagrees.

Applicant submits that there is no gap between the ear (28) and the circular metal collar (38) in Rice, as there is always elastomeric material filled between them. Accordingly, the two features 28 and 38 in Rice will never come into direct contact with one another. Because Rice fails to disclose a gap between the alleged buffer member (the ear 28) and the alleged contact plate (the feature 38), the Rice structure cannot increase resistance to displacement beyond a threshold, that is, one level of resistance while the gap is open and an increased resistance when the gap is closed due to displacement beyond a threshold. Thus, the issue of a frictional movement between the two features (i.e., 28 and 38) will never arise in the Rice device. When vibrations cause the features 28 and 38 in Rice to move towards each other, there will only be a

progressively increasing change in the resistance with displacement as the elastomeric material is squeezed. In other words, there would never be a sudden or step change in resistance since the features 28 and 38 do not contact each other directly.

In the present invention, however, the two components (buffer member and contact plate) vibrate relative to one another. As discussed above, the buffer member and the contact plate in the present invention do not contact each other when vibration displacements are small; but when vibration displacements increase sufficient to close the gap, the buffer member directly contacts the contact plate. When the contact happens, there will be a significant friction between the vibrating surfaces. In this scenario, the presently claimed device provides a low friction contact plate that significantly reduces the frictional wear. The design of the presently claimed device provides advantages compared to the Rice device, as deformation of shear provides a lower stiffness than pure compression (as that happens in Rice), and also allows large deflections without the need for an excessive quantity of material (*see* paragraph [0010] of the specification).

Additionally, Applicant submits that Rice fails in disclosing one more feature of the presently claimed device, that is, each lobe has an upper surface engaging the support member (as recited in claim 19). However, the Examiner has asserted in the Action that a surface in figure 5b of Rice is the upper surface of a lobe. Applicant respectfully disagrees.

Applicant believes that the Examiner has equated pads 46, 48 and 50 in the Rice device as lobes of the present invention. Nevertheless, the upper surfaces of these pads in Rice do not engage the support member (26) (*see* figures 4A and 4B of Rice). Further, according to the Examiner's interpretation, the pads 46, 48 and 50 are themselves part of the buffers in the Rice device. In contrast, the lobes of the presently claimed device cannot act as buffers for the larger amplitude vibrations, since the lobes of the presently claimed device take up the dead weight of the load and provide the low amplitude vibration isolation.

Accordingly, Applicant submits that the Rice device does not have all the features of the presently-claimed mounting. Indeed, the features of the Rice device and those of the presently-claimed mounting are quite distinct, and the Rice device and the presently-claimed device function in completely different ways.

Applicant further submits that Rice fails to furnish any motivation or suggestion to a skilled artisan in modifying its device in order to arrive at the present invention. As discussed

above, the Rice device and the presently claimed device differ significantly in their features and the ways they function. It is not possible for a skilled person in the art to reach the presently claimed subject matter based on the Rice disclosure, for example, the skilled artisan would have no cause to seek any frictional reduction, as the issue of a frictional movement between the components (e.g. 28 and 38) will never arise in the Rice device.

Furthermore, Applicant contends that the addition of Bornzin fails to cure the deficiencies of Rice, as Rice either alone or in combination of Bornzin does not teach or suggest all the features of the claims are amended herein. Indeed, Bornzin only teaches use of nylon as anti-friction material, and nothing more.

Further, Applicant submits that a skilled artisan would not combine the teachings of Rice and Bornzin to arrive at this invention. First, Bornzin is directed to the shielding of joints in an articulated power drive shaft, which has nothing to do with vibration mountings. Second, a nylon “environal band” 37’ disclosed in Bornzin is used for prevention of scoring caused by abrading action attendant the engagement of the two housings (e.g., housings 15 and 16) that are placed in a joint between a pivoting drive shaft 19 and a bell-shaped portion 34 (*see* Bornzin at column 3, line 66 to column 4, line 6). The housings engage one another along predetermined areas as the shaft 19 pivots. Applicant notes that the nylon band disclosed in Bornzin has nothing to do with “buffering” in the context of vibration mountings. Accordingly, it is highly unlikely that a skilled artisan would be motivated to combine the teachings of Rice and Bornzin to arrive at the present invention.

In view thereof, Applicant submits that the presently claimed subject matter is not obvious over Rice, alone or in proper combination with Bornzin. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) of claims 19, 20-22, 24, 27-30, 32, and 33 is respectfully requested.

Claims 34-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rice in view of Bronzin and further in view of Everitt. Applicant respectfully traverses this rejection with respect to the claims as amended herein.

As discussed above, the combination of Rice and Bronzin fails to disclose all of the features of the presently claimed subject matter. Applicant further submits that the addition of Everitt fails in curing the deficiencies of Rice and Bronzin. Thus, Applicant submits that the subject matter of claims 34-36 is patentable over the combination of Rice, Bronzin and Everitt.

Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) of claims 34-36 is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant submits that all the pending claims, that is, claims 19-22, 24, 27-30, and 32-36, are allowable. Applicant respectfully requests entry of this Amendment and Response, reconsideration, and early favorable action by the Examiner.

The Examiner is cordially invited to contact Applicant's undersigned representative at the number listed below to discuss any outstanding issues. Further, Applicant authorizes the Commissioner to charge any required fee/underpayment of a fee or credit any overpayment to Deposit Account No. 04-1105, with reference to Docket No. 65200(71946).

Respectfully submitted,

Date: August 13, 2009
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